

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STEVEN FLOYD VOSS,

Petitioner,

v.

PERRY RUSSELL, *et al.*,

Respondents.

Case No. 3:19-cv-00197-MMD-CLB

ORDER

This is a habeas corpus action under 28 U.S.C. § 2254. Before the Court are Petitioner Steven Voss's motion to reopen, motion to file third amended petition for writ of habeas corpus, and second motion to stay. (ECF Nos. 38, 39, 40.) Voss asks the Court to reopen the action, to file a third amended petition that contains a new claim under *Brady v. Maryland*, 373 U.S. 83 (1963), and then to stay this action anew while Voss litigates in state court whether that court should excuse state-law procedural bars. Respondents do not oppose the motions. (ECF Nos. 41, 42, 43.) The Court finds good cause exists to stay this action.

It is therefore ordered that Petitioner Steven Voss's motion to reopen (ECF No. 38) is granted. The Clerk of Court is directed to reopen the action and to lift the stay.

It is further ordered that Voss's motion to file a third amended petition for writ of habeas corpus (ECF No. 39) is granted. The Clerk of Court is directed to file the third amended petition, currently in the docket at ECF No. 39-1.

It is further ordered that Voss's second motion to stay (ECF No. 40) is granted.


It is further ordered that this action is stayed while Voss's current post-conviction habeas corpus petition is pending in the state courts. Voss must return to this Court with a motion to reopen within 45 days of issuance of the remittitur by the Nevada Supreme Court at the conclusion of the state-court proceedings. Moreover, Voss or Respondents

1 otherwise may move to reopen the action and seek any relief appropriate under the
2 circumstances.

3 It is further ordered that with any motion to reopen following the completion of all
4 state-court proceedings, Voss: (a) must attach an indexed chronological set of exhibits—
5 resuming after the last exhibit number filed herein—containing the state-court record
6 materials relevant to the issues herein that cover the period between the state-court
7 record exhibits on file in this matter and the motion; and (b) if Voss then intends to further
8 amend the petition, must file a motion for leave to amend along with the proposed verified
9 amended petition or a motion for extension of time to move for leave to amend. The
10 reopened matter will proceed under the current case number.

11 The Clerk of Court is directed to administratively close this action until such time
12 when the Court grants a motion to reopen the action.

13 DATED THIS 9th Day of November 2021.

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18 MIRANDA M. DU
19 CHIEF UNITED STATES DISTRICT JUDGE
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